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In re Application of	:
Glenn Boucher, et al	:
Application No. 08/942,264	: DECISION DISMISSING
Filed: October 1, 1997	: PETITION
Attorney Docket No. E-679	:

This is a decision on the petition filed December 14, 1998, requesting that the above-identified application be accorded a filing date of September 30, 1997, rather than its presently accorded filing date of October 1, 1997.

The petition states that seven different applications (including the above-identified application and application No. 08/942,261) were filed in the same Express Mail package bearing Express Mail receipt No. EI289769455US. Petitioners should note 37 CFR 1.4(c) which suggests that each application be submitted as a separate letter. Found among the original application papers of the above-identified application is a "Certificate of Mailing by Express Mail" showing Express Mail number EI289769455US thereon.

A review of a copy of Express Mail receipt No. EI289769455US submitted in application No. 08/942,261 reveals that it shows an October 1997 "date-in" thereon. However, the legibility of the copy is such that it cannot be determined which day of October 1997 is specified thereon. Nevertheless, the copy of Express Mail receipt No. EI289769455US submitted in application No. 08/942,261 is evidence that petitioners are not entitled to a filing date of September 30, 1997 under 37 CFR 1.10.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped

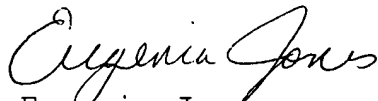
thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503). New patent applications filed in accordance with 37 CFR 1.10 will be stamped by the Office with the date of deposit as "Express Mail" with the United States Postal Service. See section 505, Manual Of Patent Examining Procedure (MPEP 505).

The present petition was not accompanied by a copy of an itemized postcard receipt for the original application papers for the above-identified application. However, a review of application No. 08/942,261 reveals that it contains a copy of an itemized postcard receipt listing the items originally filed therein and showing an October 1, 1997 Office date stamp. As stated previously, application No. 08/942,261 was filed in the same Express Mail package as the above-identified application.

In view of the above, petitioners' request to accord the application a filing date of September 30, 1997 is dismissed.

The application is being returned to Technology Center Art Unit 2771 for consideration of the amendment filed November 22, 1999.

Any inquiries related to this decision should be directed to Legal Advisor James Engel at (703) 308-5106.



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JJE